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JOURNAL
OF THE
HONORABLE COUNCIL.—1851-52.

JOURNAL

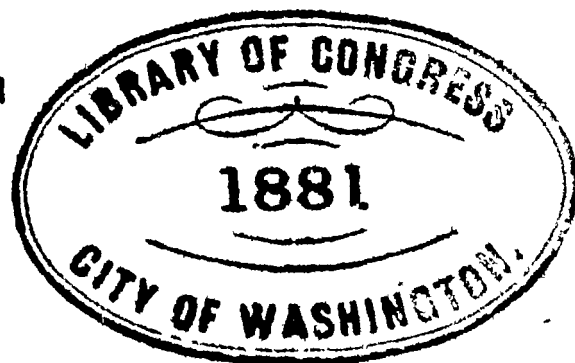
OF THE

HONORABLE COUNCIL

OF THE

TERRITORY OF N. MEXICO;

BEING THE



SECOND SESSION OF THE FIRST LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

IN THE CITY OF SANTA FE,

DECEMBER 1, 1851.

PRINTED IN THE SANTA FE GAZETTE OFFICE.

1854.

JOURNAL

OF

THE HONORABLE COUNCIL.

DECEMBER SESSION, 1851.

DECEMBER 1.

This being the day prescribed by the law of this Territory, for the Legislature to meet, all the members of the Legislative Council appeared, and took the oath of office according to law, except the following persons :

Messrs Leiva, Ortiz, Cabeza de Baca, and Smith.

Mr Martinez was chosen chairman of the council.

The council then proceeded by ballot to elect a president.

The chairman announced that the Hon. Antonio José Martinez was duly elected president.

On motion of Mr Gallegos, the council adjourned until tomorrow at 10 o'clock, A. M.

DECEMBER 2.

The council met pursuant to adjournment.

All the members present except Messrs Cabeza de Baca, Leiva, and Ortiz.

The journal of yesterday was read and adopted.

On motion of Mr Gallegos, the offices of the council were declared vacant, thereupon

The council proceeded by ballot to the choice of a chief clerk.

On the vote being taken, Mr Facundo Pino was declared by the president to be duly elected.

The council then proceeded by ballot to elect a second clerk, and

The president announced Nicolas Quintana y Rosas as duly elected to that office.

Messrs Nicolas Quintana y Alarid and Juan Marrujo were elected assistant clerks.

Mr Robert Perry was elected sergeant-at-arms.

Mr José Antonio Garcia was chosen door-keeper.

On motion, the following members were appointed by the president as a special committee to inform the Hon. House of Representatives and His Excellency the Governor, that the Council had organized.

The committee appointed, were

Messrs Gallegos, Gould and Chavez.

On motion of Mr Gallegos, a committee composed of Messrs Gallegos, Otero and Castillo, was appointed to procure such articles as the council might stand in need of.

Mr Gould moved that a committee be appointed to draw up rules for the government of the honorable council in their proceedings.

Whereupon, the following members were appointed,
Messrs Martinez, Gallegos and Otero.

A communication was received from Mr Leiva, informing the council that he was unwell and unable to assist.

On motion of Mr Gould, the council adjourned until to morrow at 10 o'clock, A. M.

DECEMBRE 3.

The council met pursuant to adjournment.

The journal of yesterday was read and adopted.

On the roll being called, the following members were found absent,

Messrs Leiba and Ortiz.

The committee appointed to procure articles for the council, presented an account of \$17.50 amount expended in purchasing calico, stove, nails and thread.

Which account was unanimously approved.

The committee appointed to inform his Excellency and the House of Representatives that the council had organized, reported that they had performed the duty assigned them.

A communication from the House of Representatives was announced, informing the council of the organization of the House, and that that honorable body was ready to receive any communication the council might be pleased to make.

On motion of Mr Gallegos, the special committee appointed to procure such articles as the council might want, was relieved from that duty, and the sergent-at-arms was authorized to discharge that duty, and to present his account for any purchases made, setting forth the names of the persons from whom the purchases were made, for the approval of the same.

A committee from the House of Representatives requested that a committee be appointed by the council, as a joint committee to wait upon his Excellency the Governor, and inform him that both branches of the Legislature have assembled, and are ready to receive any communication he may be pleased to make.

The president appointed Messrs Gallegos, Gould and Chavez as said joint committee on the part of the council.

The joint committee reported through their chairman, that they had performed the duty assigned them.

Whereupon the two Houses assembled in the Legislative hall, for the purpose of receiving His Excellency, and hearing his message.

* * * * *

On motion of Mr Gould, Mr Blumner was unanimously elected interpreter.

On motion of Mr Gallegos, the council adjourned until tomorrow, at 10 o'clock, A. M.

DECEMBER 4.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

The House informed the council of the officers elected for that legislative body.

His Excellency the Governor sent to the council a copy of the message that he read in the joint session.

Mr Cabeza de Baca offered the following resolution :

Resolved. That the chief clerk of the Council be instructed to inform the House of Representatives and the Executive of the election of officers, and remit a list of the members of the council.

Which resolution was adopted.

On motion of Mr Smith, the council adjourned until 10 o'clock to-morrow, A. M.

DECEMBER 5.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiva y Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

The committee appointed to draw up rules for the council, reported through their chairman a set of rules, which were read the first time.

On motion of Mr Ortiz,

They were read the second time.

On motion of Mr Gould they were laid on the table.

Mr Smith offered the following resolution :

Resolved, That the committee appointed to draw up a code of laws present their report to the Council of their labors, and therewith a list of the laws and bills that they may have drawn up.

Which resolution was unanimously adopted.

Mr Smith offered the following resolution :

Resolved, That the secretary of the Territory be required to furnish the council with a list of the laws passed by the last session, and on file in his office.

On motion of Mr Gould, the council adjourned until three o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent,

Messrs Gallegos, Martinez, and Smith.

A list of the acts and decrees approved by both Houses, and delivered for registry, was received from the secretary of the Territory.

On motion of Mr Gould, the list was read.

On motion of Mr Chavez, the council adjourned until 10 o'clock to-morrow, A. M.

DECEMBER 6

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

On motion of Mr Gould, the rules were read the third time and passed.

On motion of Mr Chavez,

The vote on the adoption of the rules was reconsidered, and

On motion,

The rules were laid on the table.

On motion of Mr Baca,

The list sent by the Secretary of the Territory, containing all

“The acts and decrees,”

passed by the last session, was read the second time.

On motion of Mr Martinez, the list was sent to the translator for translation.

Mr Cabeza de Baca offered the following resolution :

Resolved, That the Governor of the Territory be consulted relative to the sanctioning of all the laws passed by the last session of the Legislative Assembly in July, and in case their approval has been withheld for the reason that they have not been printed, as is shown by their being yet in manuscript, and that they be properly arranged and published as soon as practicable.

Which resolution was adopted.

Mr Martinez voting in the negative.

On motion of Mr Gould,

The council adjourned until Monday next at ten o'clock,
A. M.

DECEMBER 8.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of Saturday was read and approved.

Whereupon the council proceeded to business.

The list containing the laws and acts sent to the council by the secretary of the Territory, which resolution was sent to the translator for translation, in accordance with a resolution to that effect, was returned to the council by said translator.

On motion of Mr Chaves, the rules of the council were taken into consideration, and

On motion of Mr Martinez, were read by their title.

Mr Martinez moved to amend them by placing an additional article.

The motion being adopted, the rules were delivered to the commission with instructions to make the amendment offered.

A communication was received from the secretary of the Territory, setting forth the mode in which the council should make out their account of expenses, with a form accompanying the communication.

Mr Martinez moved that the communication be translated, and that all the accounts of the legislative council be signed by the president and chief clerk, as set forth in the Secretary's communication.

A message was received from his Excellency the Governor, informing the council that he had appointed José Andres Sandoval brigadier general of the third division of the militia, to fill the vacancy caused by the resignation of José Ignacio Montoya.

Mr Cabeza de Baca moved that the communication be laid on the table until the following day.

Which motion was adopted.

Messrs Gould and Chavez voted in the negative.

Mr Martinez offered the following resolution :

Be it resolved by the Council and House of Representatives :

That a special joint committee composed of three members, be appointed to decide definitely on questions relative to any resolution or bill that may arise in one House and be sent to the other for its approval, amendment or modificacion, and when it is returned the House in which it originated will not concur in the modifications or additions.

On motion of Mr Gould,

The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Mr Cabeza de Baca stated,

That as the resolution offered by Mr Martinez was before the council for discussion, he moved that the council would not adjourn.

Mr Gould called for the ayes and noes on the motion to adjourn.

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The motion to adjourn was decided in the negative:

Messrs Gould and Ortiz voted in the affirmative.

On motion,

The vote was taken on the adoption of the resolution offered by Mr Martinez.

* * * * *

Mr Gould voted in the negative only.

So the resolution was adopted.

On motion of Mr Ortiz,

The council adjourned until to morrow at ten o'clock in the morning.

DECEMBER 9.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiva y Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

The committee appointed to form the additional articles to the council rules, reported

That they had discharged the duty assigned them.

On motion of Mr Smith, the additional article was adopted unanimously.

Mr Martinez moved the adoption of the rules as amended.

Which motion was carried.

So the rules as amended were unanimously adopted.

A message was received from his Excellency, therewith a resolution of the Legislature of New Hampshire, for the consideration of the council, and for the council to answer the same, as they might deem most proper.

The interpreter presented translated the communication of the secretary of the Territory, relative to the manner in which the council should keep the accounts of expenditures, and after it was read,

Mr Gallegos moved to refer it to the committee on legislative expenses

The House of Representatives informed the council that a committee to examine engrossed bills, had been appointed.

Whereupon the president of the council appointed a similar committee on the part of the council.

The committee were

Messrs Gallegos and Smith.

On motion of Mr Gould,

The communication from his Excellency the Governor, in-

forming this honorable body that he had appointed José Antonio Sandoval brigadier general of the third division of the militia, to fill the vacancy caused by the resignation of José Ignacio Montoya, was taken up.

Mr Smith moved that the vote on the approval of the appointment be suspended until the following day.

Mr Gould voted in the negative.

So the motion was carried.

On motion of Mr Smith, the council adjourned until the following day at 10 o'clock, A. M.

DECEMBER 10.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

On motion of Mr Ortiz, the communication from his Excellency the Governor, informing the council of the appointment of José Antonio Sandoval brigadier general of the third division of militia, to fill the vacancy caused by the resignation of José Ignacio Montoya, be taken into consideration.

The vote being taken on the approval of the appointment.

Those who voted in the negative were,

Messrs Gould,
Smith,
Gallegos, and
Cabeza de Baca.

So the appointment was approved.

A communication was received from the Secretary of the Territory, stating the number of officers each House should have.

On motion of Mr Gallegos, the communication was referred to the interpreter for translation.

His Excellency the Governor remitted to the council the bills drawn up by the committee appointed to form

"A code and digest of laws,"

and accompanying the same a letter from said committee to his Excellency.

On motion of Mr Ortiz, the bills were laid on the table until the following day.

On motion of Mr Smith,

His Excellency the Governor was informed of the approval by the council of the appointment of José Antonio Sandoval brigadier general of the third division of the militia

On motion of Mr Chavez, the council adjourned until 10 o'clock to-morrow, A. M.

DECEMBRE 11.

The council met pursuant to adjournment.

The journal of yesterday was read and adopted.

On the roll being called, the following members were found absent,

Messrs Leiba and Ortiz.

Whereupon the council proceeded to business.

The chief clerk of the council asked permission to state that the Secretary of the Territory had refused to pay him a part of the salary of the previous-session, and also a part of the amount paid by him to copying clerk after the final adjournment of the session, and that according to a resolution of the council, he was authorized to employ the services of the same.

A communication was received from his Excellency the Governor, in which he recommended the appointment of civil and military officers to the vacancies that may exist in said offices.

Which was read the first time.

A communication was received from his Excellency the Governor, informing this honorable body that he had received the books and papers which were purchased by Beck & Brent, and further states that he does not know whether the Secretary of the Territory has paid for the same or not, and also that the Secretary of the Territory has demanded the same, but for what purpose he is ignorant.

On motion of Mr Gallegos,

The communications were referred to three special committees.

The communication in reference to the appointment of some person, was referred to a committee composed of

Messrs Gallegos,
Otero, and
Castillo.

The communication relative to the filling of vacancies was referred to a committee composed of

Messrs Cabeza de Baca,
Martinez, and
Ortiz.

The communication relative to stationery was referred to a committee composed of

Messrs Gallegos,
Chavez, and
Gould.

After the above disposition of the said communications,

Another communication from his Excellency the Governor, was read, and accompanying which is a letter from the Hon. Theodore Wheaton and Manuel Gallegos, members of the committee appointed to form

“A code and digest of laws,”

directed to his Excellency.

Mr Gallegos moved that the House of Representatives be informed of there having been received by the council, several bills from the committee appointed to draw a code of laws.

Which motion was adopted.

Mr Gallegos introduced

“A joint resolution,”

in which he moves the appointment of a committee of three members of the council, in order that in union with a similar one from the House of Representatives, to examine the bills presented by the committee appointed to draw up a code of laws, and report thereon.

Which joint resolution was adopted.

On motion of Mr Gould, the council adjourned until three o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent,

Messrs Gallegos, Martinez, and Smith.

Mr Ortiz offered a resolution in which he moved that the communication from the Secretary of the Territory directed to the council, stating the number of officers the said body should have, be returned to him, and when he has any communication to make to the council, he shall do it through his Excellency the Governor.

Which resolution was adopted.

Mr Smith moved that the committee on public printing, be called on for a report relative to the printing of the laws, and why the laws are not printed, and for them to report on the most proper manner in which they should be printed, if in the Gazettee or in both forms.

Which motion was carried.

■ On motion of Mr Gould, the council adjourned until three o'clock, P. M., to-morrow.

DECEMBER 12.

The council met pursuant to adjournment.

All the members present except Messrs Cabeza de Baca, Leiva, and Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

A communication was received from the secretary of the Territory, setting forth the mode in which the council should make out their account of expenses, with a form accompanying the communication.

Mr Martinez moved that the communication be translated, and that all the accounts of the legislative council be signed by the president and chief clerk, as set forth in the Secretary's communication.

A message was received from his Excellency the Governor, informing the council that he had appointed José Andres Sandoval brigadier general of the third division of the militia, to fill the vacancy caused by the resignation of José Ignacio Montoya.

Mr Smith offered the following resolutions :

That that the Legislative Assembly have heard with the most profound regret of the death of Robert T. Brent, a member elect of the House of Representatives for the county of Santa Fé.

Resolved, That this House most profoundly sympathizes with the friends and relations of the deceased.

Resolved, That in proof of respect to his memory, that this House do now adjourn until to-morrow at 10 o'clock, A. M.

Which resolutions were adopted.
Whereupon the council adjourned.

DECEMBER 13.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of Saturday was read and approved.

Whereupon the council proceeded to business.

Mr Gould, chairman of the special committee to whom was referred.

“The communication of his Excellency the Governor, relative to the books and stationery purchased from Messrs Beck & Brent, for the use of the Legislature,”

reported as follows :

That the said stationery be delivered to the Secretary of the Territory.”

Which report was adopted.

Mr Cabeza de Baca offered

“A resolution,”

manifesting the urgent necessity that there is in this House of the persons filling the offices of third and fourth clerks to remain in their respective offices, and that they be paid their salaries by the Secretary of the Territory out of any monies appropriated for the contingent expenses of the Legislature.

Which resolution was adopted.

Mr Smith introduced

"A resolution,"

asking that the standing committee of this House on legislative expenses examine all the accounts of this House according to the communication of the Secretary of the Territory, and after said examination, they be signed by the president and chief clerk of this House before they are paid.

The resolution was adopted.

On motion of Mr Gould,

CThe council adjourned until Monday next at ten o'clock,
A. M.

DECEMBRE 15.

The council met pursuant to adjournment.

The journal of yesterday was read and adopted.

On the roll being called, the following members were found absent,

Messrs Leiba and Ortiz.

Whereupon the council proceeded to business.

Mr Cabeza de Baca asked permission of the council to introduce

“A resolution and petition,”

from the inhabitants of Santa Anna county, petitioning the removal of the county seat to a more central point, and for it not to remain at Algodones, as that is a frontier settlement.

The petition was read, and

On motion of Mr Gould,

The petition was referred to a special committee to be appointed by the president.

The committee appointed were

Messrs Martinez,
Gallegos, and
Castillo.

Mr Smith introduced a bill entitled,

“An act regulating the district courts.”

Which was read the first time.

On motion of Mr Smith, the bill was read the second time.

On motion of Mr Gould, the bill was laid on the table until the following day.

Mr Smith introduced a bill

“Providing for the appointment of commissioners in each State and Territory of the Union, to attest and take testimony.”

Which was read the first time.

On motion of Mr Cabeza de Baca, the bill was disptched to the translator for its translation to the Spanish language.

On motion of Mr Smith,

The House adjourned until 3 o'clock, p. m.

AFTERNOON SESSION.

The council met pursuant to adjournment.
On motion of Mr Cabeza de Baca,

A communication was addressed to the Secretary of the Territory, requiring a statement of his instructions, and demanding of him a positive answer whether he would pay or not the salaries of the two copying clerks elected by the Legislature.

An act was received from the House of Representatives,

“Regulating the time and place of holding courts.”

Which was read the first time.

A committee of conference composed of three members on the part of the council was appointed by the president, to act with a similar committee from the House of Representatives, on an amendment to a resolution passed by the House of Representatives.

The committee appointed were

Messrs Smith,
Gould, and
Cabeza de Baca.

A special committee composed of

Messrs Smith,
Gould,
Cabeza de Baca,

was appointed by the president to act in conjunction with a similar committee from the House of Representatives, to examine and report upon the code of laws drawn up by the committee appointed for that object.

On motion of Mr Gallegos, the council adjourned until tomorrow, at 10 o'clock, A. M.

DECEMBRE 16.

The council met pursuant to adjournment.

The journal of yesterday was read and adopted.

On the roll being called, the following members were found absent,

Messrs Leiba and Ortiz.

Whereupon the council proceeded to business.

On motion of Mr Smith, the bill entitled

“An act regulating the time and place of holding the supreme court,”

was read the second time.

On motion of Mr Gould, the bill was read the third time by its title, and

The vote being taken on its final passage, it was passed by a unanimous vote.

A communication was received from his Excellency the Governor, and accompanying the same a communication from the sheriff of the county, manifesting the necessity of provision being made for the support of the prisoners, and stating that if some means are not provided to cover these wants, that he will not be responsible for their support any longer.

On motion of Mr Smith, an act entitled

“An act regulating the district courts.”

was read the second time.

Mr Smith offered to amend the said act by adding thereto an additional section.

Which section was adopted.

Mr Gallegos moved a reconsideration of the act.

Which motion prevailed.

Mr Martinez offered the following amendment to the section offered by Mr Smith :

After the word "effect" add "immediately."

Which amendment was adopted.

On motion of Mr Smith,

The bill was read the third time by its title.

The vote being taken on its final passage,

The bill passed.

The committee on militia,

Through their chairman made a report on that subject.

Which was read, and

On motion of Mr Smith,

The report was laid on the table until the following day.

The special committee to whom was referred the communication of his Excellency relative to the mode of filling vacancies of civil and military officers, through their chairman made their report.

Which was read, and

On motion of Mr Gould,

Was laid on the table until the following day.

Mr Gallegos offered the following resolution :

Resolved, That the Secretary of the Territory inform the council of the amount expended in paying the expenses of the last Legislative Assembly, and also of the amount remaining of the twenty-four thousand dollars appropriated for legislative purposes.

The vote being taken, the resolution was adopted.

An act entitled

"An act relative to forcible entres and detainer,"

was read the first time, when

On motion of Mr Cabeza de Baca, the bill was laid on the table until the following day.

The communication from his Excellency together with the one from the sheriff,

Was referred to the committee on revenue.

The bill

“Providing for the appointment of commissioners in each State and Territory of the Union, to attest and take testimony.”

received its third reading and passed.

And was dispatched to the House of Representatives for its concurrence.

On motion of Mr Chavez, the council adjourned until 10 o'clock to-morrow, A. M.

DECEMBER 17.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of Saturday was read and approved.

Whereupon the council proceeded to business.

On motion of Mr Smith, an act entitled

“An act relative to forcible entry and detainers,”

was read the third time and passed.

A pition from the citizens of Santa Fé, was read,

And referred to a special committee.

The committee appointed were

Messrs Smith, Gallegos, and Cabeza de Baca.

On motion of Mr Cabeza de Baca, an act

“Relative to the militia,”

was taken up in its order and read the second time.

On motion of Mr Cabesa de Baca, an act

“Relative to filling the vacancies of civil and military officers,”

was taken from the president's table, and read the second time.

On motion, the Governor's message was taken up.

The part relative to territorial funds was referred to the committee on revenue.

On motion of Mr Martinez, the bill relative to the filling of
"Vacancies,"

was read the third time, and passed.

The committee to whom was referred a petition from the inhabitants of the county of Santa Anna, and presented by a member of the council, through their chairman reported on the same.

On motion of Mr Chavez, the report was laid on the table until the following day.

On motion of Mr Smith, the council adjourned until the following day at 10 o'clock, A. M.

DECEMBER 18.

The council met pursuant to adjournment.

All the members present except Messrs Cabeza de Baca, Leiva, and Ortiz. A

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

Mr Chavez introduced a bill entitled,

“An act amendatory of an act passed July 10, 1851, relative to county seats.”

The bill was read the first time, and

On motion of Mr Chavez, the rules being suspended for the purpose, the bill was read the second and third times and passed.

A resolution was received from the House of Representatives

“Relative to a peace made with the Navajos.”

Which was read the first time, and

On motion of Mr Cabeza de Baca, the interpreter was directed to translate the same.

The committee appointed to examine the laws presented by the chairman of the committee of five, made their report on the same, which was adopted.

On motion of Mr Gould, the council adjourned until three o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

A message was received from his Excellency the Governor, and therewith a bill relative to attachments, which he dispatched by the chairman of the committee of five to be presented to the council.

On motion of Mr Smith,

The bill was referred to the committee on judiciary.

Mr Chavez offered a resolution requesting the Governor to deliver to the Secretary of the Territory the stationery that is in his possession, and also the library.

Which was read, and

On motion of Mr Chavez the rules being suspended for the purpose, the resolution was read the second and third times and passed.

On motion of Mr Ortiz,

The council adjourned until to-morrow at ten o'clock in the morning.

DECEMBER 19.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

On motion,

The resolution

“Relative to a treaty of peace with the Navajos,”

was read a second time, and

On motion of Mr Cabeza de Baca,

The rules being suspended for the purpose, the resolution was read the third time and passed.

On motion, the bill

“Repealing the militia law and authorizing the raising of volunteers,”

was read the third time and passed.

Mr Smith introduced a bill

“Repealing the act incorporating the city of Santa Fé.”

Which was read the first time.

On motion of Mr Cabeza de Baca,
The rules being suspended for the purpose,
The bill

“Repealing the act incorporating the city of Santa Fe,”

was read the second and third time and passed.

On motion of Mr Smith, the council adjourned until the following day at 10 o'clock, A. M.

DECEMBER 20.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiva y Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

Mr Ortiz introduced a bill

“Establishing the order in which vagrants shall be tried.”

Which was read the first time.

On motion of Mr Gould, the bill was referred to the committee on judiciary.

The following bills were received from the House of Representatives:

A bill entitled

“An act relative to the construction of statutes,”

An act entitled

“An act securing and maintaining peace,”

“An act relative to money and interest,”

On motion, the foregoing bills were read the first time by their titles.

On motion of Mr Gallegos, the bills were dispatched to the translator for translation.

A bill was received from the House of Representatives entitled

“An act relative to fees of artesians, and other objects.”

A leave of absence for six days was granted to Mr Pablo Gallegos.

On motion of Mr Gould,

The council adjourned until Monday next at ten o'clock,
A. M.

DECEMBER 22.

The council met pursuant to adjournment.

All the members present except Messrs Cabeza de Baca, Leiva, and Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

On motion, the following bills were read :

A bill entitled,

“An act relative to money and interest,”

And a bill entitled

“An act relative to the security of keeping peace.”

On motion, a bill entitled,

“An act relative to fees of artesians,”

was read.

On motion, a joint resolution relative to a communication from the Governor of New Hampshire, was read.

On motion of Mr Smith, it was laid on the table.

On motion of Mr Gallegos,

The resolution was taken up, and delivered to the interpreter for translation from the English to the Spanish

Mr Gould moved,

That the rules be suspended, and the bill relative to

“Money and interest,”

be taken up.

The vote being taken on the motion,
It was decided in the negative.

On motion of Mr Gould,
The rules being suspended for the purpose,
The bill relative to

“Wills and testaments,”

was read the first time.

The translator, through Mr Smith, requested to be excused from further attendance on the council for five days in consequence of sore eyes.

Which was granted to him.

On motion of Mr Gallegos, the council adjourned until tomorrow, at 10 o'clock, A. M.

.DECEMBER 23.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of Saturday was read and approved.

Whereupon the council proceeded to business.

On motion of Mr Gallegos, the council adjourned until 26th inst., at 10 o'clock, A. M.

DECEMBRE 26.

The council met pursuant to adjournment.
 The journal of the 23rd was read and adopted.
 On the roll being called, the following members were found
 absent,
 Messrs Leiba and Ortiz:
 Whereupon the council proceeded to business.
 On motion, a bill

“Relative to expulsion,”

was read the first time, and
 On motion of Mr Gallegos,
 The bill was referred to the committee on judiciary.
 On motion, an act

“Relative to contracts,”

was read the first time.
 On motion of Mr Smith,
 The bill was laid on the table.
 A bill entitled, an act

“Modifying the first and third judicial districts,”

was received from the house of representatives.
 The bill was read the first time, and
 On motion of Mr Smith,
 The bill was laid on the table.
 On motion, an act

"Relative to the construction of statutes,"

was read the second time, and

On motion of Mr Smith,

The bill was laid on the table.

On motion, the preamble and resolution

"Relative to the State of New Hampshire,"

was read a second time

On motion of Mr Gallegos, the rules being suspended for the purpose, the preamble and resolution were unanimously rejected.

On motion of Mr Chavez, the council adjourned until 10 o'clock to-morrow, A. M.

DECEMBER 27.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

The reading of the bill on

“Last wills and testaments,”

was concluded, and

On motion of Mr Gallegos, the bill together with another of the same title were referred to a special committee.

The committee appointed were

Messrs Martinez, Chavez and Castillo.

On motion, a bill entitled,

“Relative to the rights of mechanics,”

was read the third time and passed.

A bill entitled

“An act for the security of keeping the peace,”

was read the third time and passed.

A bill entitled

“An act concerning the construction of statutes,”

was read the third time and passed.

Mr Otero offered the following amendment to the bill

“Relative to money and interest.”

Strike out of section third the word “twelve,” and insert “eight.”

Which amendment was adopted.

On motion, the bill was read the third time and passed.

Messrs Ortiz, Castillo and Otero voted in the negative.

On motion of Mr Ortiz, the council apjourned until Monday at 10 o'clock, A. M.

DECEMBER 29.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiva y Ortiz.

The journal of Saturday was read and approved.

Whereupon the council proceeded to business.

An act

“Relative to acequias,”

presented by the committee of five, and was read the first time.

An act

“Relative to transfers,”

presented by the committee of five, was read the first time.

An act

“Relative to husband and wife,”

was read the first time.

An act

“Relative to matrimony,”

was read the first time.

On motion of Mr Gallegos, the three last mentioned acts were referred to the committee on judiciary.

An act

"Relative to the dismissal of suits,"

was received from the House of Representatives, which on being read the first time, was ordered to the translator for translation.

The resolution relative to stationery and books, was returned from the House of Representatives with amendments.

Which amendments were concurred in by the council.

On motion of Mr Chavez, the council adjourned until tomorrow at 10 o'clock, A. M.

DECEMBER 30.

The council met pursuant to adjournment.

All the members present except Messrs Cabeza de Baca, Leiva, and Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

The following bills were read the second time,

An act

“Relative to the dismissal of suits,”

And an act

“Relative to acequias.”

Mr Chavez offered an amendment to the second section of the law

“Regulating acequias,”

Strike out the words “the 1st day of March,” and insert, “it will be done when convenient to the owners of the acequia.”

Which amendment was adopted.

Mr Chavez offered the following amendment:

That all seeds of any kind whatever, planted on the margin of the acequias, shall belong to the owners of the land through which the acequia runs.”

Which amendment was adopted.

Mr Cabeza de Baca offered the following amendment:

That in place of "superintendent," the word "majordomo" be inserted.

Mr Gallegos offered three additional sections to the aforesaid law.

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Which sections were adopted.

Mr Smith moved to strike out of the 10th section the words "and in failing to pay before its conclusion."

Which amendment was adopted.

Mr Gould moved to strike out of the 8th section all that follows after the word "judge," to the words "shall order" inclusive.

Which amendment was adopted.

Mr Chavez offered the following amendment to section 10:

Add thereto, The person or persons who shall not be able to pay the fine or injuries caused, shall be sentenced to fifteen days public labor.

Which amendment was adopted.

Mr Cabeza de Baca moved to strike out of section 2 the words "the following year," and insert the words "the same year."

Which amendment was adopted.

On motion of Mr Chavez, the rules being suspended for the purpose,

The bill was read the third time and passed.

Mr Gallegos offered a joint resolution

“Relative to the Secretary of the Territory paying the salaries of the third and fourth clerks of the council and house of representatives.”

Which resolution was read the first time.

On motion, the rules being suspended for the purpose, the joint resolution was read the second and third time, and passed.

On motion of Mr Gallegos,

The council adjourned until the following day at ten o'clock,
A. M.

DECEMBER 31.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

Mr Chavez introduced a bill entitled

“An act respecting the responsibility of officers.”

Which was read the first time, and passed to its second reading.

Mr Otero introduced a bill entitled,

“An act establishing the order to be observed in trials,”

Which was read the first time, and

On motion of Mr Gallegos, the two foregoing bills were referred to a special committee.

The committee appointed were

Messrs Castillo and Gallegos.

On motion,

“An act authorizing the dismissal of actions,”

was read the third time and passed.

A bill entitled

“An act regulating the proceedings in habeas corpus,”

was received from the House of Representatives.

Which was read the first time.
 On motion of Mr Gallegos,
 The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.
 Absent,
 Messrs Gallegos, Martinez, and Smith.
 On motion of Mr Ortiz, the bill entitled

“An act regulating the proceedings in cases of habeas corpus,”

was referred to the interpreter for translation.
 A bill entitled

“An act regulating the purchase of animals from the wild Indians,”

was received from the house of representatives.

Which was read the first time.

An official note was received from the secretary of the Territory, under date of the 30th of last month, and accompanying the same, various documents in English.

Which on motion were laid on the table until the following day.

A bill entitled

“An act establishing the county seat of the county of Santa Anna permanently,”

was received from the House of representatives.

The bill was read the first time.

On motion of Mr Ortiz, the rules were suspended, to take up an act entitled

* * * * *

On motion of Mr Cabeza de Baca, the rules being suspended for the purpose, a bill entitled

“An act regulating the purchase of animals from the wild
Indians,”

was read the second time.

On motion of Mr Ortiz, the council adjourned until 10 o'clock
A. M. of the 2d January.

JANUARY 2.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

On motion,

The documents submitted to this House by the Secretary of the Territory were read.

Mr Cabeza de Baca moved that the documents remain on the table, in order that the members might inform themselves of their contents with greater facility.

Which motion was adopted.

The house of Representatives returned the council bill relative to the

“County seats of the different counties,”

with the following amendments:

Strike out all after the word title, and insert:

* * * * *

* * * * *

After the foregoing amendments had been discussed at length, they were unanimously rejected.

On motion, the bill entitled

“An act regulating the proceedings in cases of habeas corpus,”

received its second reading.

On motion of Mr Smith, the rules being suspended for the purpose,

The bill was read the third time and passed.

A bill entitled

“An act establishing the limits of the different counties of the Territory, and the precincts or demarcations for the justices of the peace,”

was read the first time.

Mr Gould moved that the rules be suspended, and that the bill pass to its second reading.

Which motion was adopted.

On motion of Mr Gould,

The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

A bill entitled

“An act permitting the fall term of 1852 of the 2d judicial district court,”

was received from the House of Representatives, and read the first time.

On motion of Mr Smith, the rules were suspended, and the bill passed to its second reading.

After it had been discussed at length,

On motion of Mr Gould,
The bill was read the third time and passed.
Mr Castillo, chairman of the committee to whom was referred
a bill entitled

“An act relative to the order of trial,”

And another

“Relative to the responsibility of officers,”

made the following report:

“The committee to whom was referred the two foregoing acts, have carefully examined the same separately, as the importance of the case and matter required, and have found it necessary to amend both of them, which we respectfully submit to the deliberation of the council.

Which report was adopted.

On motion of Mr Gould, the rules being suspended for the purpose, the bill entitled

“An act regulating the proceedings on trial,”

was read a second time.

And after having discussed the same at length,

On motion of Mr Gould, the bill was read a third time and passed.

On motion of Mr Cabeza de Baca, section fourth of an act

“Establishing the limits of the counties of the Territory,”

was amended as follows:

The divisions of the counties shall be modified as follows:
Striking out from it the words “in the direction of the Tetilla,” inclusive to its conclusion, and insert

“And from thence shall follow a direct line to the north to the limits of the county of Rio Arriba.

Which amendment was adopted.

Mr Cabeza de Baca introduced a section as a substitute to section five of the act.

Which is as follows :

Which section was adopted.

Mr Gould moved to amend the first section, where it speaks of the demarcations for the justices of the peace, &c., &c., as follows :

Which amendment was adopted.

On motion of Mr Gould; the rules being suspended for the purpose,

The bill was read the third time and passed.

A bill entitled

“An act regulating the militia of New Mexico,”

was received from the House of Representatives.

Which was read the first time, and

On motion of Mr Smith, the bill was laid on the table.

A joint resolution

“Relative to the wild Indians,”

was received from the house of Representatives, and asking for the raising of two regiments of volunteers.

Which joint resolution was read the first time.

On motion of Mr Cabeza de Baca,

A bill entitled

“An act regulating the mode of commencing suits,”

was read the third time and passed.

The house of representatives returned a council bill entitled,

"An act regulating the district courts,"

with an amendment.

The session closed at which Mr Juan Felipe Ortiz and Mr Antonio Ortiz did not assist.

JANUARY 3.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

The following acts were read the first time :

A bill entitled

“An act regulating the representation in the council and
house of representatives,”

And a bill entitled

“An act concerning territorial property.”

A bill entitled,

“An act relative to the responsibility of public officers,”

was read the second time.

Mr Martinez offered two additional sections, 10 and 11.

Which after being duly considered, were adopted

Mr Cabeza de Baca offered an additional section, being number 12.

And after it had been discussed, was added to the said act.

On motion of Mr Ortiz, the bill was read the third time, and passed, and was dispatched to the house of representatives for their concurrence.

Mr Martinez offered the following amendment:

"Strike out in the first line the word "unduly," and in the eighth line, in place of "incertitude" insert "inaptitude."

Which amendments were adopted.

On motion of Mr Gould, a bill entitled

"Relative to the militia,"

was taken from the president's table, and read the second time.

Mr Martinez moved to fill up the blanks in section 3, and last line, by inserting twenty five dollars.

Which motion was adopted.

On motion, the bill was read the third time and passed.

On motion of Mr Gould, the bill was dispatched to the house of Representatives for their concurrence.

A communication was received from his Excellency, under date of the 2d inst., in which he states that he has approved a joint resolution

"Relative to the delivery of stationery and books to the Secretary of the Territory, under the conditions set forth in the said joint resolution."

The house of representatives returned the council bill

"Relative to acequias."

with an amendment.

A bill entitled

"An act amendatory of an act regulating the courts of the 1st and 3rd judicial district,"

was read the second time, and

On motion, the bill was read the third time and rejected.

And returned to the House.

Mr Gallegos moved that a committee of conference, composed of three members, be appointed by the president of the council, to act in conjunction with a similar committee of the house of

representatives, for the purpose of conferring on the question relative to the county seats of the counties of Santa Anna, Rio Arriba and Valencia.

The committee appointed were

Messrs Gallegos, Smith, and Cabeza de Baca.

Notice of the same was given to the House of Rep.

On motion of Mr Smith,

The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The house of representatives returned the joint resolution

“Relative to the pay of the third and fourth clerks,”

with amendments.

Which after being read were concurred in.

A bill entitled

“An act regulating the representation of the council and house of representatives,”

was read the second time.

On motion of Mr Gould, the joint resolution was read the third time and passed.

The joint resolution

“Relative to a peace made with the Navajos.”

On motion of Mr Gould, the bill was read the third time, and passed unanimously

The session closed, at which Mr Juan Felipe Ortis and José Francisco Leiba, by reason of sickness did not assist.

JANUARY 5.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

Mr Martinez offered a preamble and relative to the

“Law on testaments,”

which was read the first time.

A joint resolution

“Memorializing the general congress relative to the legality of the present session of the Legislative Assembly,”

was received from the house of representatives, and read the first time.

On motion of Mr Baca, the rules being suspended for the purpose,

The joint resolution was read the second time, and

On motion, the rules being further suspended, the joint resolution was read the third time and passed.

On motion of Mr Cabeza de Baca, the resolution was dispatched to the house where it originated.

A joint resolution was received from the house of representatives,

“Relative to the printing and publication of the laws of the present and previous session of the Legislature of this Territory.”

Which was read the first time, and

On motion of Mr Cabeza de Baca, the joint resolution passed to its second reading.

On motion of Mr Cabeza de Baca, the joint resolution was read the third time and passed, and dispatched to the house of representatives.

A bill

“Authorizing the assignment of notes of hand, obligations and other documents,”

was received from the house of representatives, and the first

On motion of Mr Gallegos, the bill was ordered to the translator for translation.

A bill entitled

“An act regulating the admission of attorneys, and defining their duties and responsibilities,”

was received from the House of Representatives, and read the first time.

Mr Cabeza de Baca introduced an act

“Making certain appropriations to E. P. West.”

Which was read the first time.

On motion of Mr Gallegos, the bill passed to its second reading.

Mr Martinez offered the following amendment:

That in section 1st and line 2d the words “five hundred dollars” be stricken out, and insert “one ten per cent. on the sum paid into the territorial treasury.”

Which amendment was adopted.

On motion of Mr Cabeza de Baca, the bill was read the third time and passed, and dispatched to the house of rep.

A communication was received from his Excellency the Governor, informing the council that he had approved the following acts:

A bill entitled

“An act authorizing the pay of extra clerks employed by the Legislative Assembly,”

And

"Relative to acequias."

On motion of Mr Gallegos,

The council adjourned until 3 o'clock, p. m.

AFTERNOON SESSION.

The council met pursuant to adjournment.

A bill entitled

"An act prohibiting gambling,"

was received from the house of representatives, and read the first time.

On motion of Mr Ortiz, the bill was read the second time by its title.

On motion of Mr Gallegos, the bill was laid on the table until the following day.

A bill

"An act establishing the limits of the different counties of the Territory, and the precincts or demarcations for the justices of the peace,"

was received from the house of representatives, and read the first time.

Ordered to the translator for translation.

A bill entitled

"An act relative to claims on public lands,"

was received from the house of representatives, and read the first time.

On motion of Mr Gould, the bill was read the second time.

On motion of Mr Gould, the rules being suspended for the purpose.

The bill was read the third time, passed, and returned to the house.

A memorial and joint resolution

“Relative to the necessity of two pairs of clerks, translators and interpreters,”

was received from the House of representatives, and were read the first time.

On motion of Mr Ortiz, the memorial and joint resolution were read the second time.

On motion of Mr Ortiz, they were read the third time, and passed, and returned to the house.

An act

“Repealing the act incorporating the city of Santa Fe,”

was received from the house of representatives, and read the first time.

On motion of Mr Gould, the rules being suspended for the purpose,

The act was read the second time by its title.

On motion of Mr Gould,

The rules being further suspended,

The act was read the third time, passed, and returned to the house.

A bill entitled

“An act for the relief of Richard Bray,”

was received from the house of representatives, and was read the first time.

On motion of Mr Ortiz, the bill was read the second time by its title.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill was read the third time, passed, and returned to the house.

The House of Representatives notified the council of the appointment of the committee of conference to act in conjunction with a similar committee on the part of the council, on the

conflicting vote relative to the county seats of the counties of Rio Arriba, Santa Anna and Valencia.

Mr Gould moved that the council do now adjourn until three o'clock, P. M. to-morrow.

Not agreed to.

On motion of Mr Gallegos, the council adjourned until to-morrow, at 10 o'clock, A. M.

JANUARY 6.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

The chairman of the committee of conference made the following report :

We have the honor to report to this Hon. Body, that the question

“Relative to county seats,”

has been decided as follows:

The county seat of the county of Valencia remaining in Tomé, that of Santa Anna in Peña Blanca, and that of Rio Arriba in Chamita.

We respectfully recommend the passage of the law approved by the Hon. Council relative to this matter.

Which report was adopted.

Mr Gallegos moved the appointment of a committee to regulate the matter respecting the salary of the third and fourth clerks with the Secretary.

Whereupon the president appointed
Messrs Gallegos and Cabeza de Baca.

On motion of Mr Ortiz, a bill relative to

“Wills and testaments,”

was read the second time.

Mr Martinez offered several amendments, which after they had been discussed at length, were adopted.

On motion of Mr Martinez,

The act was read the third time, passed and dispatched to the house.

A joint resolution

“Informing the Governor of the final adjournment of the Legislature,”

was received from the house of representatives, and read the first time

On motion of Mr Martinez, the joint resolution passed to its second reading.

Mr Cabeza de Baca offered the following amendment:

Strike out the word “ninth” and insert “tenth.”

Which amendment was adopted.

On motion of Mr Cabeza de Baca, the joint resolution was read the third time, passed, and returned to the House of Rep.

A bill entitled

“An act prohibiting the sale of spirituous liquors to Indians,”

was received from the house of representatives, and read the first time.

On motion of Mr Baca, the act was read the second time and rejected.

On motion of Mr Gould, the bill

“Authorizing the assignment of notes of hand, obligations and other documents,”

was read the second time.

On motion of Mr Gallegos, the rules being suspended for the purpose,

The bill was read the third time, passed, and dispatched to the House

A house bill

“Authorizing the remission of a stone or a piece of marble to the Hon. R. H. H. Weightman, to be placed in the Washington monument,”

was received, and read the first time, and on motion, was laid on the table

A house bill

“Establishing an annual fair in the town of Las Vegas,
county of San Miguel,”

was read the first time.

On motion of Mr Gallegos, the rules being suspended for the purpose,

The bill was read the second time.

Mr Gould moved that the bill pass to its third reading.

Agreed to.

So the bill was read the third time, passed, and dispatched to the house.

A house bill

“Repealing certain parts of the laws in the Kearny code,”

was read the first time.

On motion of Mr Cabeza de Baca, the bill was ordered to the translator for translation.

A house bill

“For the relief of R. M. Stephens, sherif of the county of
Santa Fé,”

was read the first time, and

On motion of Mr Smith, was laid on the table.

A house bill

“For the relief of John ————, sherif of the county
Santa Fé,”

was read the first time.

On motion, it was laid on the table.

The house of representatives would not concur in the amendment made by the council to the house resolution

“Relative to the adjournment.”

On motion of Mr Gallegos, a committee of conference was appointed to regulate the question.

The committee appointed were

Messrs Gallegos and
Smith.

A house bill

“Prohibiting gambling,”

was read the second time.

Mr Gallegos offered an amendment, which after being read, on motion of Mr Smith, was laid on the table.

On motion the council adjourned until the following day at 10 o'clock, A. M.

Absent,

Messrs Ortiz and Leyva.

JANUARY 7.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

The chairman of the committee to whom was referred the adjustment with the Secretary of the Territory the question of pay of the third and fourth clerks made the following report :

Notwithstanding we brought the matter before him in its proper point of view, and fully explained to him the case, the Mr Secretary would not agree to pay the said salaries, but insisted on the course he had taken, thereby closing the door to adjustment of the question.

On motion of Mr Martinez, the bill for the

“Relief of E. P. West,”

was reconsidered, and was read the first time.

On motion of Mr Martinez, the bill was read the second time, when

On motion of Mr Martinez, the rules being suspended for the purpose,

The bill was read the third time, and by a majority of the votes was rejected.

On motion of Mr Smith, the bill

“Prohibiting gambling,”

on its second reading, was taken up.

Mr Gallegos offered an additional section, No. 9, which after being read, was added to the said bill.

Mr Martinez offered an additional section, No. 10, which was read and adopted.

On motion of Mr Smith, the bill was read the third time, passed, and dispatched to the house.

Mr Martinez introduced a bill

“Making certain appropriations for E. P. West.”

Which was read the first time.

On motion of Mr Gould, the bill was read the second time, when

On motion of Mr Martinez, the rules being suspended for the purpose,

The bill was read the third time, passed, and dispatched to the house.

On motion of Mr Smith,

The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The house bill

“Establishing the courts, and defining the duties of the justices of the peace,”

was read the second time.

Mr Cabeza de Baca moved that the bill pass to its third reading.

Agreed to.

On the vote being taken, the bill was approved and returned to the house.

Mr Gallegos introduced

An act

“Regulating all kinds of past contracts and donations.”

Which was read the first time.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill was read the second time.

On motion of Mr Ortiz, the rules being further suspended for the purpose,

The bill was read the third time, passed, and dispatched to the house.

Mr Gallegos introduced

A bill

“Authorizing a loan to be made for the payment of the third and fourth clerks of both Houses of the Legislature.”

Which was read the first time.

On motion of Mr Ortiz,

The bill was read the second time.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill was read the third time, passed, and dispatched to the house.

A house bill

“On crimes and punishments,”

was read the first time.

On motion of Mr Cabeza de Baca, the bill was laid on the table.

The session rose, at which were present,

Messrs A. Martinez,
Martinez,
Gallegos,
P. Gallegos,
Ortiz,
Cabeza de Baca,
Smith,
Gould,

Chavez,
Otero, y
Castillo.

Absent,
Srs Leiva y J. F. Ortiz.

JANUARY 8.

The council met pursuant to adjournment.

The roll being called, the following members did not answer to their names, Messrs Leiba y Ortiz.

The journal of yesterday was read and adopted.

Whereupon the council proceeded to business.

Mr Cabeza de Baca introduced

An act

“Amendatory of an act passed july 10, relative to the place at which the courts shall be held.”

Which was read the first time.

On motion of Mr Chavez, the rules being suspended for the purpose,

The act was read the second time.

On motion of Mr Martinez, the rules being further suspended for the purpose,

The act was read the third time, passed, and dispatched to the house.

A House bill

“Regulating the mode of forming petit juries,”

was read the first time.

On motion of Mr Ortiz, the rules being suspended for the purpose, the bill was read the second and third times, and passed.

A house bill

“Regulating the term of service of officers,”

which was read the first time.

On motion of Mr Smith, the bill was laid on the table.

A house bill

“Repealing certain parts of law in the Kearny code,”

On motion was read the second time.

On motion of Mr Gallegos, the rules being suspended for the purpose,

The bill was read the third time, passed, and ordered to the house.

Mr Gallegos introduced

A bill

“Repealing the act incorporating the city of Santa Fé.”

Which was read the first time.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill passed to its second reading.

Mr Gallegos moved a further suspension of the rules, in order that the bill might pass to its third reading.

Which motion was agreed to.

So the bill was read the third time, passed, and dispatched to the house.

A house bill

“Authorizing the judges of the district courts to examine and approve certain accounts,”

received its first reading.

On motion of Mr Martinez, the rules were suspended for the purpose,

And the bill read the second time.

On motion of Mr Martinez, the rules were further suspended for the purpose,

And the bill read the third time, passed, and returned to the house.

A house bill

“Providing for the publication of the laws and journals of the two houses of the Legislative Assembly of the Territory,”

was received from the House of representatives, and read the first time.

On motion of Mr Smith, the rules being suspended for the purpose,

The bill passed to its second reading

After it was discussed at length, the bill was unanimously rejected.

And was returned to the House.

A house bill

“Adopting, regulating and establishing weights and measures for the Territory of New Mexico,”

was read the first time.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill was read the second time.

On motion of Mr Smith, the bill was laid on the table.

A house bill

“Amending the election law,”

was read the first time.

On motion of Mr Gould, the rules being suspended for the purpose,

The bill was read the second time.

On motion of Mr Gould, the rules being further suspended for the purpose,

The bill was read the third time, passed and returned to the house.

On motion of Mr Gould,

The council adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The house returned a council act with an amendment.

"Fixing the time when certain acts shall take effect and be in force."

Which amendment was concurred in.

The House of Representatives returned a council bill entitled

"On testaments,"

with their concurrence.

A joint resolution from the house of rep. relative to

"Additional pay for the Speaker of the House and President of the council,"

received its first reading.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The resolution was read the second time.

Mr Smith introduced a bill

"Regulating the police of Santa Fe."

Which was read the first time, and

On motion, was laid on the table.

On motion of Mr Gallegos,

The council adjourned until 7 o'clock, P. M.

EVENING SESSION.

The council met pursuant to adjournment.

A joint resolution was received from the House of representatives

“Fixing the time of the adjournment of the Legislative Assembly on the 9th of January, at 11 o’clock at night.”

The House not concurring in the amendment made by the council to the same.

In consequence of which, Mr Cabeza de Baca, author of the said amendment, withdrew it.

And the resolution was concurred in by the council, as originally presented

Mr Gallegos introduced an act

“Establishing the jurisdiction of the judges of probate or prefects.”

Which was read the first time.

On motion, the rules were suspended, and the bill read the second and third times and passed.

The following acts were concurred in by the House of representatives :

“An act regulating the time and place of holding the supreme court,”

“Regulating the time and place of holding courts.”

“Repealing the act incorporating the city of Santa Fe,”

“Relative to filling the vacancies of civil and military officers,”

“Repealing the militia law and authorizing the raising of volunteers,”

An act

was read the second time.

On motion of Mr Smith, the rules being suspended for the purpose, the bill was read the third time, and

On motion of Mr Chavez,

The bill passed.

Whereupon the council adjourned.

Those who assisted at the session were

Messrs A. Martinez,
Martinez,
Gallegos,

Messrs P. Gallegos,
Ortiz,
Cabeza de Baca,
Smith,
Gould,
Chavez,
Otero, and
Castillo.

Absent, Messrs Leiba and Orsiz.

JANUARY 9.

The council met pursuant to adjournment.

Absent,

Messrs Leiva and Ortiz.

The journal of yesterday was read and approved.

Whereupon the council proceeded to business.

Mr Ortiz moved that the standing committees and special committees return immediately all the bills that may have been referred to them.

Which motion was rejected.

On motion, the rules being suspended for the purpose, the bill

“Repealing the act establishing the office of translator for the Territory of New Mexico,”

was read the second time.

On motion of Mr Smith, the rules being further suspended for the purpose,

The bill was read the third time and passed.

The bill regulating

“Weights and measures,”

was taken up, and

On motion of Mr Gallegos, the following amendment was adopted :

* * * * *

On motion of Mr Gould, the rules being suspended for the purpose,

The bill was read the third time by its title, and passed by the council.

Mr Martinez introduced a bill entitled

“An act amending the election law approved July 20, 1851.”

Which was read the first time.

On motion of Mr Gould, the rules being suspended for the purpose,

The bill was read the second time.

Mr Smith offered the following amendment:

Strike out of section 1st all after the word “Territory.”

Which amendment was adopted.

Mr Gallegos offered the following amendment:

Insert after the word “qualified voters,” “nor can hold any office under the Territorial government.”

Which amendment was adopted.

On motion of Mr Martinez, the rules being suspended for the purpose,

The bill was read the third time and passed.

The bill

“Relative to transfers,”

was read the second time.

On motion of Mr Smith,

The rules being suspended for the purpose, the bill was read the third time and passed.

On motion of Mr Gould, the council adjourned until 4 P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The House of Representatives returned the council bill with their concurrence,

“An act authorizing the pay of extra clerks employed by the Legislative Assembly,”

The above bill was amended by the house, which amendment was concurred in by the council.

A house bill

“Making appropriations for the year 1852,”

was read the first time, and

On motion of Mr Ortiz, the rules being suspended for the purpose,

The bill passed to its second reading.

On motion of Mr Cabeza de Baca, the bill was unanimously rejected.

The house of representatives returned the following bills :

“An act regulating the purchase of animals from the Indians,”

“An act amendatory of an act passed July 10. 1851
relative to county seats.”

“An act regulating the proceedings in cases of habeas corpus,”

The house of Representatives returned a bill, with amendments, which were rejected by the council,

“Fixing the jurisdiction of judges of probate or prefects.”

A house bill

“Making certain appropriations herein specified,”

was read the first time.

On motion of Mr Smith,
The bill was laid on the table.
A joint resolution

“Relative to public buildings,”

was read the first time.

On motion of Mr Gould, the rules being suspended for the purpose, the resolution was read a second time, and put before the house for discussion.

On motion of Mr Chavez, the rules being further suspended for the purpose, the resolution was read the third time and passed.

A house bill

“For the relief of D. V. Whiting,”

was read the first time.

After its discussion, it was rejected.

On motion of Mr Gould,
The council adjourned until 7 o'clock at night.

NIGHT SESSION.

The council met pursuant to adjournment.

A communication was received from his Excellency the Governor, under date of the 9th inst., informing the council of the approval of the following acts:

“Establishing the limits of the counties of the Territory,”

“For the relief of John _____, sherif of the county
Santa Fé,”

“Prohibiting gambling,”

“An act establishing the county seat of the county of Santa Anna permanently,”

“An act permitting the fall term of 1852 of the 2d judicial district court,”

“An act amendatory of an act regulating the courts of the 1st and 3rd judicial district,”

A joint resolution from the House,

“Authorizing the president of the council and the speaker of the House of representatives to sign engrossed bills after the final adjournment of the Legislative Assembly,”

was read the first time.

On motion of Mr Ortiz, the rules being suspended for the purpose,

The joint resolution was read the second time.

On motion of Mr Martinez, the rules being further suspended for the purpose, the joint resolution was read a third time and passed.

Mr Gould introduced a joint resolution

“Authorizing the president of the council and speaker of the house of representatives to employ and pay a sufficient number of clerks to copy such bills as may not be copied at the final adjournment of the Legislative Assembly.”

which was read the first time.

On motion of Mr Smith, the rules being suspended for the purpose, the joint resolution was read the second time.

On motion, the rules being further suspended, the joint resolution was read the third time, and passed.

On motion of Mr Armijo, the act

“Relative to certain appropriations,”

was read the second time.

The vote being taken on the passage of the bill, it was rejected.

The house returned with an amendment a bill

“Relative to transfers.”

Which was read and concurred in by the council.

In virtue of a resolution

“Relative to the appointment of a committee to examine enrolled bills,”

Messrs Gallegos and Smith were appointed said committee. Mr Gallegos introduced a bill

“Abolishing the office of district attorney.”

Which was read the first time.

On motion of Mr Gallegos, the rules being suspended for the purpose,

The bill was read the second time.

On motion, the bill was read the third time and passed.
Mr Gallegos moved a reconsideration of the vote on the bill

“Relative to appropriations here specified.”

Agreed to.

Mr Smith offered the following amendment :

Strike out the appropriation for the pay of the five commissioners.

Which amendment was read and approved.

Whereupon the bill was returned to the house.

The committee of conference have agreed with a similar committee from the house of representatives, that the bill

“Relative to the attribution of judges of the probate,”

shal remain as it now is.

And of which we respectfully inform the honorable council.

Mr Smith introduced a resolution

“Thanking the president of the council for the zeal and activity in the discharge of his duties of the office.”

Which resolution was adopted.

The house of representatives returned a joint resolution with their concurrence,

“Authorizing the president of the council and speaker of the house of representative to employ a sufficient number of clerks to copy all the bills that may not be copied at the final adjournment of the Assembly.”

A committee was appointed composed of

Messrs Gallegos and
Gould,

for the purpose of waiting upon His Excellency the Governor to inform him and also to inform the house of representatives that the council is now ready to adjourn.

Whereupon the council adjourned.
Those who assisted at the session were

Messrs A. Martinez,
Martinez,
Gallegos,
Messrs P. Gallegos,
Ortiz,
Cabeza de Baca,
Smith,
Gould,
Chavez,
Otero, and
Castillo.

Absent, Messrs Leiba and Ortiz.

A. J. MARTINEZ,
President of the Council.

FACUNDO PINO,
Chief Clerk.

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APPENDIX.

R U L E S .

OF THE

LEGISLATIVE COUNCIL.

CHAPTER I.

A R T I C L E I

At opening of the session there shall be elected by a plurality of the votes a President, the person so elected shall take his seat at the hour to which the session adjourned, and the members shall immediately be called to order, the session shall open by reading the journal of the previous day, and after it has been corrected, should it be necessary, shall be approved.

ARTICLE II.

After the journal has been corrected, and copied in the proper book, it shall be signed by the President and the chief clerk, and after which shall proceed in the following manner :

1st. Letters, petitions, memorials, and all other documents directed to the council shall be presented.

2d. Resolutions shall be offered and taken up, motions shall be made giving notice of the intention to introduce bills or any other matter.

3d. Reports of standing committees, and afterwards reports from the special committees.

4th. Messages and communications from the Executive shall be taken up.

5th. Messages from the House of Representatives, and all amendments made by the House for the deliberation of the council.

6th. All acts and resolutions from the House of Representatives shall be read three several times, on three distinct days, unless the reading as regards the time be dispensed with by the Council.

ART. 3. The President shall preserve order and decorum, he may speak to questions of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject however to an appeal to the council by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

ART. 4. When a motion is made and seconded, the President shall place it before the House for discussion, but if it be made in writing, it shall be delivered to one of the clerks, to be read in a loud voice to the House before it is discussed.

ART. 5. The President shall rise to put all questions, but may state them sitting, but he must rise to announce the decision of the House on any question.

ART. 6. The President shall sign all acts, resolutions and addresses of both Houses in joint committee, all warrants, writs and subpoenas issued by order of the House, shall be under his hand and seal, and attested by the chief clerk.

ART. 7. When the President shall desire to speak on any question, he shall call some member to take the chair, and proceed to speak on the subject.

ART. 8. When two or more members shall rise at the same time to speak, the President shall declare who shall speak first.

ART. 9. The President shall have all questions distinctly put in the following manner:—All those of the affirmative shall say aye, and those of the contrary opinion shall say no. If any doubt shall exist relative to the majority in the vote, or any member shall call a division, the president shall order that all who are of the affirmative to rise from their seats, and afterwards those of the negative, and the vote shall be counted.

ART. 10. The president shall appoint all standing and special committees; to the first shall be referred the following matters :

Territorial affairs,
Judicial affairs,
Agriculture and manufactures,
Territorial revenue and expenses,
Militia,
On schools and education,
On election and privileges,
On printing,

Which shall be composed of three members, and the last shall be composed of two, three or more, a list of which shall be made, but at other times, and by order of the House the committees may be appointed by the same.

ART. 11. The President shall preserve order, modesty, gravity, and decorum in the chamber, which will add respect to the body, and if any members shall cause any disturbance, break any rule, or in any other manner misbehave, he shall be called to order by the president or any member of the chamber, such member shall immediately come to order, but he may appeal to the chamber, but should he not appeal, he shall abide the decision of the president.

ART. 12. The President shall be elected for one period of session only, and at the end of this time, a new election shall be had for president, such election shall also be had in case of a perpetual or temporary vacancy, for a new president.

CHAPTER II.

OF THE CHIEF CLERK AND OTHER OFFICERS.

ARTICLE 1. There shall be one secretary and three clerks, one door-keeper and sergeant at-arms, who shall be elected at the opening of each session, or at any other time should it be necessary, who shall be sworn before they enter upon the discharge of their respective duties.

ART. 2. It shall be the duty of the secretary,—

1st. To keep the journal, records, and all other acts and proceedings in good order,

2d. To write out all Messages, communications, and copying of documents dispatched to the House of Representatives.

3d. To file all public documents.

4th. Attest all warrants, writs and subpoenas issued by order of the chamber.

5th. To keep an account of all fines imposed upon members for misbehaviour in the chamber.

6th. To superintend in the purchase and preservation of the books and stationary of his office.

7th. He shall keep a list or index of all the proceedings relative to bills approved by both Houses, and execute the orders of the chamber relative to his office.

8th. He shall distribute the work amongst the clerks, and make packages in order of all papers of each class after their approval.

9th. He shall also keep an exact account of the mileage and pay of the members and other officers, and all other expenditures of the chamber.

10th. He shall with the assistance of the clerks, arrange the archives, and make out an inventory of all the books, documents and all other articles of the chamber, in order that he may, at the close of the session, deliver them into the Secretary of the Territory, to the end that they may be secured in the most con-

venient manner, leaving with him a copy of said inventory, to be presented to the chamber.

ART. 3. It shall be the duty of the door-keeper to take care of the chamber, shall keep it open before and after the session, for the convenience of the members of the council who may have business therein, and shall be present whilst the chamber is open; he shall take care of the furniture in the same; he shall supply water for the use of the chamber; he shall keep the chamber clean, as also the porch in front, and passage; he shall keep a supply of fuel and other necessary things, shall not permit any person to enter within the bar of the chamber, except those persons who are permitted by the chamber, shall announce all messages and communications, and finally, shall obey all orders from the president or chamber relative to the duties of his office.

ART. 4. The sergeant-at-arms shall wait upon the chamber during its session, and execute all orders, as also all other proceedings dispatched from the chamber, when ordered by the president, and finally, he shall be quick and vigilant in the compliance of all orders he may receive proper to his office.

CHAPTER III.

OF THE ORDER OF DEBATE AND OTHER PROCEEDINGS.

ARTICLE 1. When any member wishes to speak on any question before the chamber, make a proposition, or even motion, he shall rise from his seat and respectfully address himself to "Mr President," who shall answer, "The gentleman from _____," and then may continue his discourse.

ART. 2. No member shall speak more than twice to the same question, without leave of the chamber.

ART. 3. All motions and propositions to be presented, shall be reduced to writing, and signed by the person who makes them, if the president requires it, or any member demands it

except motions to adjourn, postpone, to lie on the table, or the previous question.

ART. 4. When any question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a certain day, to amend, or commit, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

ART. 5. A motion to adjourn shall always be in order, and shall be received without discussion, and every member present shall vote, unless excused by the chamber.

ART. 6. When any motion, proposition, or any other matter has been put in debate, and no member wishes to speak, it shall be declared sufficiently discussed, and on the judgment of the chamber the vote shall be taken, all the members voting as their names are called in order, the president voting last, and this shall be the duty of all the members without excuses, unless excused by the chamber.

ART. 7. The vote shall be taken on all resolutions, approval of bills, and determinations of the chamber, and when there is a tie vote, the vote shall be repeated for its decision, and if not decided, it shall be decided by lot.

ART. 8. For the final decision of any question a majority of the votes of the members present shall be necessary.

ART. 9. Whilst the president is putting any question, or addressing the chamber, none shall walk out of or across the chamber, nor in such case when a member is speaking shall entertain private discourse, nor whilst a member is speaking shall pass between him and the President.

ART. 10. Bills received from the House of Representatives, and those originating in the Council shall receive three several readings as mentioned in article 2d of chapter first. The first reading of a bill shall be for information, for its admission or opposition, if admitted, it shall be laid on the table, to be taken up in its regular order; upon the second reading, the president shall state it as ready for debate, modification, or amendment; and after the third reading, the vote shall be taken on its final passage only.

ART. 11. If the bills mentioned in the foregoing article, on their first reading should be rejected, the following proceedings shall be had: if the rejected bill originated in the House of Representatives, it shall be returned with the reasons that caused its rejection or amendment; and if it originated in the Council, it shall be returned to its author.

ART. 12. When confidential communications are received from the Governor, or from the House of Representatives, from any circumstances represented to the chamber, it should deem it proper; it may go into secret session with closed doors, turning out the spectators, and only admitting the persons that may be necessary.

ART. 13. When any spectator shall cause any disorder, or behave himself disrespectfully to the chamber, the President

shall order the Sergeant-at-arms to put him out of the chamber, and should he persist in his conduct, he shall order and send him to prison, and punish him in any way the chamber may direct; and may also should it be necessary, lay a complaint before the proper authority of the matter, with previous notice of the occurrence.

ART. 14. Every member of the council should be prompt in attendance at the hour of meeting, and only for legal cause and notice of the facts, shall he be excused, but any member who shall fail to appear except as above stated, shall be punished by the chamber in their discretion, in proportion to the offence, which he shall suffer.

ART. 15. If a bill or any other matter, that has received the 1st and second readings, with discussion, and even may have received the 3d reading, and the vote taken and decided, any member of the majority may move a reconsideration, on the same day or the following, and such proposition shall have precedence to all other motions except motions to adjourn.

ART. 16. When any member of the council may ask leave to return home, by reason of sickness or any other cause, he shall make his solicitude in writing, setting forth the cause why he wishes to be absent, and then the council shall determine the matter by vote.

ART. 17. It shall be in order throughout the session, when deemed convenient, for the council to resolve itself into a committee of the whole chamber, on the affairs of the Territory, or others that they may deem of equal importance.

ART. 18. In forming a committee of the whole chamber, the President shall leave his seat, and a chairman shall be appointed by the President of the chamber.

ART. 19. All the rules of the chamber that are applicable, shall be observed in committee of the whole.

ART. 20. No rule of the chamber shall be suspended, unless by vote of two-thirds of the members present.

ART. 21. There shall be an Interpreter, who shall be elected at the same time the other officers of the chamber are elected or whenever it may be necessary, who shall be sworn before he enters upon the duties of his office. His duties shall be the following:

1st. To be present in the council chamber during the entire session, unless excused by the chamber.

2nd. To inform the chamber verbally, and in writing, of all matters from the Castilian to English, and from English to Castilian, and to any member requiring it.

ART. 22. All accounts presented of the expenses of the chamber against the appropriation, shall be revised, examined and approved by the corresponding committee, who will make the respective report thereon to the chamber.

ART. 23. At the opening of each session, the previous rules of the council chamber shall be read, and the attention of the members shall be called to them for their observance, not only in the directive part, but also in the coercive.

ART. 24. These rules may be altered whenever the chamber may deem necessary, but the modifications or additional articles shall lie one day on the table before their adoption, and they shall also receive three several readings.

ADDITIONAL ARTICLE.

It shall be the duty of the Secretary to see that all documents, acts, resolutions, and bills, that are approved by both Houses or those that in particular may be singularly incumbent upon the Hon. Council, and all other things pertaining to his office, as described in article 2nd chapter 2nd of these rules, are ready and copied in good order by the last day of the session of this Hon. chamber.

M E S S A G E.

*Gentlemen of the Council and of
the House of Representatives :*

The uncomfortable condition of the rooms in which you are assembled, has given me much concern, and I fear will be a source of great annoyance to you.

During the last Legislature, an Act was passed "authorizing one thousand dollars to be expended under the direction of the Governor, for necessary repairs upon the palace building, &c., &c."

The Hon. Wm. S. Allen arrived in Santa Fé near the close of July, and soon thereafter entered upon the discharge of his duties as Secretary of the Territory.

On the first convenient *occasion*, the contemplated expenditure referred to was brought to the Secretary's notice, but he declined placing at my control the amount you authorized me to expend, and referred the matter to a branch of the Government at Washington. Subsequently, I was informed, it escaped the recollection of the Secretary to state the fact, that the Legislature had authorized the expenditure under the direction of the Governor. This discovery induced me to address to the Honorable Secretary an official note, a copy of which, marked No. 1, will accompany this message. The copy marked No. 2, is the Secretary's reply, declaring in reference to the congressional appropriation, out of which the thousand dollars should be paid, he was "(I am) not charged

with the disbursement of so much as a single dollar of it." After the arrival of the October mail from the States, the Secretary informed me he had received a reply to his inquiry, which would change his course, to some extent, without changing his confidence in the correctness of his first impression upon the subject. In consequence of this information, No. 3 is a copy of a note which I was induced to address to him, and No. 4 is his reply, from which we learn that the first Comptroller of the Treasury advised the Secretary that it is *his* business to obtain estimates of the probable cost of such expenditures, and to forward a requisition upon the treasury based upon these estimates. The Secretary, you will perceive, by reference to the correspondence, closes by saying. "I am accordingly ready to proceed, and procure from some carpenter or builder, such a survey and estimate as are required, after which I shall be prepared to make the necessary requisition on the Treasury for the money required to defray the expense of the work to be done." I am not further advised upon this subject, and have no knowledge of either surveys, estimates or requisitions. But whether surveys, estimates and requisitions were promptly made or not, can be of no personal inconvenience to the members of the present session, as there can be no reply to such a requisition until long after its adjournment.

The Palace is in a very dilapidated condition; and I have been compelled to incur personal responsibilities to prevent the destruction of the building by fire, and to put it in a condition to enable the respective branches of the Territorial Government, to discharge the duties with which they are charged. The books we have received, intended as a part of the Territorial Library, ought not to be exposed to injury and loss, as they are at this time, and must so remain, until the means are provided to take care of them.

I am clearly of the opinion that the Legislature has, or should have, the right to dispose of, by an Act of their own, every dollar that is granted to the Territory by Congress, under the limitations and restrictions which the Act, or Acts, of appropriations may contain. Not one dollar should be paid out of any fund designed for the conduct of public affairs, without the permission or direction of the Legislature, except for contingencies that it is impossible to anticipate. The Organic Law of this Territory is not explicit as to the proper manner of using Congressional appropriations nor am I advised as to the general instructions given to the Honorable Secretary, in reference to disbursements. But I am not prepared to believe, that Congress intended that any Department at Washington, or officials elsewhere, should control the Legislature, in their disposition of funds granted to the Territory, beyond the limitations set forth in the Acts of Appropriations. The Oregon organic Law recognizes the right of the Legislature to dispose of such funds. The Acts of the Territory of Minnesota go very far to establish the views here suggested.

— You are aware that our Territorial Treasury is without the

means to defray the current expenses of the Territory not provided for by congressional appropriations.

The tax law of the last Legislature is resisted, and there has not been time to enforce it before the appropriate tribunals, hence the empty condition of our treasury.

Under the parental liberality of the government of the United States, a sum of not exceeding seven thousand five hundred dollars would be amply sufficient to levy upon the inhabitants of this Territory for the ensuing year.

But for the unauthorized payments made from the treasury, by orders, without the sanction of law, the necessity of taxing the people would not have occurred during the years 1851 and 1852. Between twelve and thirteen thousand dollars have been paid out of the Territorial Treasury, to public officers, and these officers were appointed under the authority of the Kearney code, which provides for their payment from the treasury of the United States. This Department has called the attention of the proper authorities at Washington to this subject and urged an early settlement of this claim and others, due to persons who have been engaged in the public service, by virtue of the Kearney Code. The want of some proper system of access to the Congressional appropriations, and the resistance to the tax laws of this Territory, have been extremely embarrassing to the Executive, and vexatious and unjust to claimants for services rendered.

My attention has been attracted to the 38th section of the election law, passed by the Territorial Legislature, and I can perceive no reason for the distinction between a "Mexican citizen" and other inhabitants of the Territory who are not citizens of the United States.

Our criminal laws are not wanting in efficacy if we had the means to execute them. Look at your jails, and who can be surprised at the many escapes from them? Is it not folly to be at the expense and trouble of convicting criminals without being able to punish them?

A common jail for the counties of this Territory, attached to the penitentiary, would, in my opinion, relieve the people of the counties, to a considerable extent, of a taxation which they are required to pay, and which results in no other good than detaining a criminal until he arranges for his escape.

The passage of a commutation law is again recommended to the consideration of the Legislature.

The subject of acequias is a continual source of annoyance, and some revision of the laws in reference to them, may be advisable.

Nothing will more surely contribute to the mental and moral force of a people, than a well devised system of common schools. This subject, I feel assured, will receive your anxious consideration, and such action as may secure the results desired.

The Congress of the United States has set apart certain lands in this Territory for school purposes. These lands are unavailable, and must so remain, until the Government of the

United States shall cause them to be surveyed. If surveyed, owing to the peculiar topography of the Territory, and the number of grants that are said to be in existence, the lands granted would, to a great extent, still be unavailable. Whenever the Congress shall properly understand this subject, I cannot doubt but a liberality, commensurate with the original design, will be manifested.

Until the Government of the United States shall have this Territory regularly surveyed, and adopt some prompt and efficient mode of adjusting land claims, we must not expect that universal prosperity which every other portion of the United States enjoys.]

Your attention is respectfully called to a proclamation which I issued on the second day of August, 1851, in reference to the terms of the District Courts for the *first* and *third* Judicial Districts. My reasons for issuing it are stated in the proclamation, and may suggest the propriety of amending the law, so as to remove doubts, and promptly secure the ends of justice.

Persons awaiting trial create the necessity of levying upon the people heavy taxes, which should be reduced to the lowest prudent point; hence, I renew a former recommendation, that courts should be frequently held for the trial of criminals, under such limitations and restrictions as you may prescribe.

Many causes have interposed to prevent the entire organization of the Militia, as directed by the law of the last Legislature. In many places there have been no elections nor enrolments. A remedy is necessary for such delinquencies and misprision.

The bill before the last Legislature authorizing the Governor to organize militia forces, for the purpose of chastising the wild Indians, who have so long annoyed the people of the Territory, did not become a law, because of an error, or supposed error, in the enrolment of the bill. The act to organize the militia, gives to the Governor the authority to call into service organized militia, but not the authority to organize militia for service. The public weal demands further legislation upon this subject.

The Apaches roaming east of the Rio del Norte and the Utahs, have given us but little cause of complaint since the adjournment of the last Legislature. I met the Utahs, as a people, and a few Apaches, at Abiquiu, on the 23d, 24th, 25th, and 26th of last month, and the humanity of the Government of the United States, enabled me to make them presents of food and raiment, that seemed to give them great satisfaction, and I anticipate no immediate trouble from them.

The Navajos have been in frequent communication with me for more than a month past, and during that period I know of no outrages they have committed, and I yet hope to secure the tranquillity of the Territory by negotiations which I have now pending with them.

There are persons in this Territory who are attempting by various means to disaffect the Pueblos, and to interpose obstacles for the purpose of preventing the existence of amicable re-

lations between the people and the Indians residing in the Territory. Ought not such people to be punished?

I am informed by the Auditor of Public Accounts and the Treasurer of the Territory, that they will be ready to send in their reports in a few days

The Commissioners to draft a code of laws may be expected to report during the week.

In conclusion, I feel it to be my duty to advise, that while you are moderate and just in all things, to adopt such rigorous laws as will secure and protect the persons and property of the people, the purity of the ballot box, and the dispensation of even-handed justice to each and every one in the Territory.

J. S. CALHOUN.

December 1st, 1851.

APPENDIX.

(Copy No. 1.)

EXECUTIVE DEPARTMENT, }
SANTA FE, New Mexico, September 22d, 1851. }

SIR:—The dilapidated condition of the Palacio is such as to require immediate repairs. By reference to the appropriation act of the last session of the Territorial Legislature, the Governor is authorized to expend *one thousand dollars* in repairing and fitting up rooms for purposes specified in said act and to which I respectfully invite your attention. The object of this communication is to inquire whether you will, in obedience to the mandatory voice of the Legislature, allow such expenditures to be made out of the proper appropriation granted to this Territory by Congress.

I am with great respect,

Your obedient servant,

J. S. CALHOUN.

Hon. W. S. ALLEN,

Secretary of Territory, N. M.

(Copy No. 2.)

TERRITORY OF NEW MEXICO,
 SECRETARY'S OFFICE, Santa Fe, Sept. 22d, 1851. }

SIR:—I have the honor to acknowledge the receipt of your communication of this date, in which, after referring me to an act of the Legislative Council of this Territory, authorizing an expenditure “under the direction of the Governor,” of \$1,000—“for repairs upon the palace buildings and fitting up rooms in the same for the use of the Secretary of the Territory, a public Library and the safe keeping of the Archives, to be paid out of the public building fund appropriated by the Congress of the United States, you desire to know whether I “will in obedience to the mandatory voice of the Legislature allow such expenditure to be made out of the proper appropriation granted to this Territory by Congress.”

In reply to this communication I beg leave respectfully to advise you that none of the acts of Congress which relate to the disbursements of monies granted to this Territory by the United States give me, under my instructions, any control over any of those moneys save such of them as were appropriated by the act of 30th September, 1850, for compensation and mileage of members of Legislative Assembly, Clerks, officers and contingent expenses of the Assembly of the Territory. As the repairs upon the palace and the fitting up of rooms for the purpose set forth in the act of the Assembly, are not in my opinion the object to which it was intended to apply these moneys, I do not conceive that I have in my hands any funds out of which an expenditure for those objects can, with propriety, be paid. I observe that the appropriation act of Congress to which I have referred, grants twenty thousand dollars to the Territory “for public buildings” therein. Out of this fund, if out of any of the funds granted by Congress, should, in my opinion, be paid such expenses as the Legislative Assembly authorized to be incurred upon the “palace” in the act to which you refer, and in this opinion I am sustained by the Assembly itself. The allowance in the act of Congress for buildings is a naked appropriation unaccompanied by any provision directing the mode of its expenditure or declaring the authority under which it shall be expended. No part of it has been committed to my hands. I am not charged with the disbursement of so much as a single cent of it. Should I, then, from the moneys in my keeping, and for the correct expenditure of which I am held to strict accountability, defray the expense of the repairs and improvements, most highly necessary I admit, which are contemplated in the act of the Assembly, the whole amount so expended by me would be required to be paid back out of my own pocket. I have great respect for the judgment of the Legislative Assembly, and feel an entire willingness to obey

any and every act to which it has given its sanction so far as I can reconcile such obedience with my duty to acts of Congress and to instructions from the Treasury Department, framed conformably to those acts. But in the present instance I am forced to dissent from the opinion you imply that "the mandatory voice of the Legislature" is addressed to me. The act of the Assembly authorises a disbursement "*under the direction of the Governor,*" without either declaring or implying that the Secretary of the Territory has either the possession or control of that fund. As the Governor only is named in connection with any authority for that disbursement, unless the Assembly supposed the Governor to be in control of it I am at a loss to conjecture where that body conceived this control to be. I cannot for a moment suppose, from anything I see in the act, that the Assembly considered that control to be in me.

In view of the considerations I have presented, it will be that, if I do not allow such expenditures as you mention, it is because I have no power either to allow or disallow them; the whole subject matter being in my conception one over which I have no more command than any other officer in the Territory.

I am with high respect,

Your obedient servant,

W. S. ALLEN, *Secretary.*

His Excellency, JAMES S. CALHOUN.

(Copy No. 3.)

EXECUTIVE DEPARTMENT,
SANTA FE, New Mexico, October 31st, 1851. }

SIR:—An Act providing for the payment of the expenses of the Government of the Territory of New Mexico, and other purposes, contains the following appropriations: "One thousand dollars to be expended *under the direction of the Governor*, for necessary repairs upon the Palace buildings and fixing up rooms in the same for the use of the Secretary of the Territory, a Public Library," &c., &c.

I beg you to look at the act, and inform me whether you are

disposed to *grant* me the means as authorized by said appropriation.

I address you officially, that the Legislature and others concerned may be duly advised of our actings and doings.

With great respect,

Your obed't servant,

J. S. CALHOUN.

Hon. W. S. ALLEN,

Secretary of the Territory.

(Copy No. 4.)

SECRETARY'S OFFICE,
SANTA FE, November 1st, 1851. }

SIR:—I have the honor to acknowledge the receipt of your communication of the 31st ult., in relation to an appropriation of one thousand dollars by the Legislative Assembly for repairs and improvements on the Palace buildings, and beg leave to reply, that any monies of the United States, in any considerable amount, applied to such purposes, must be drawn from the appropriation by Congress for public buildings in this Territory. The law of Congress which makes this appropriation is silent as to the authority under which it shall be expended. I could not, from the terms of the law, infer that I had any control over its disbursement; my instructions from the Treasury Department, which I brought hither with me, were equally with the law silent as regards any such control. Under these circumstances, I had, in reply to a former communication of yours on this subject, informed you of these facts and of my construction of the law in view of them. Since then, however, and by the last mail from Washington, the First Comptroller of the Treasury has advised me that I have a certain power over that fund. When repairs are proposed, such as are contemplated in the act of the Assembly, it is my business, as I am advised, to obtain estimates of the probable cost thereof, and, after having obtained those estimates, to forward to the accounting officers of the Treasury a requisition upon the Treasury based upon those estimates.

I am accordingly ready to proceed and procure from some carpenter or builder such a survey and estimate as are required; after which I shall be prepared to make the necessary requisition on the Treasury for the money required to defray the expenses of the work to be done.

I am very respectfully,

Your obedient servant,

W. S. ALLEN,

Secretary of the Territory.

His Excellency, JAMES S. CALHOUN.

P R O C L A M A T I O N .

JAMES S. CALHOUN, *Governor of the Territory of New Mexico, to all whom it may concern:*

WHEREAS, it is made known to me, that the Judges of the *First* and *Third* Judicial Districts of this Territory, "after mature deliberation, have arrived at the conclusion that the Legislative Assembly failed at its last session to specify any time when the District Courts should be held for the transaction of the business of *each* entire District, as well the United States prosecutions as those of Territorial necessity, and did not designate the places where the Clerks of said Courts should reside, the records be kept, or the seals established:" and whereas, uncertainty and delay in the dispensation of Justice is in every case oppressive and always to be avoided: and whereas, without Executive intervention, there will be no Courts held in the aforesaid First and Third Districts until the Congress of the United States, or the Legislative Assembly of this Territory shall legislate upon the subject, except for Criminal prosecutions, which Courts will be held in each county as prescribed by the laws of the last Legislature: Therefore, at the request of the aforesaid Judges of the First and Third Judicial Districts, and by virtue of the authority conferred upon me by the Organic Law of this Territory, I, JAMES S. CALHOUN, Governor of the Territory of New Mexico, do proclaim and ordain that a Term of the District Court for the First Judicial District, shall be held in the City of Santa Fe, on the third Mondays in September and March: That a Term of the District Court for the Third Judicial District shall be held in Limitar on the first Mondays in May and November, and that a Term of the Supreme Court shall be held in the City of Santa Fe, the Seat of Government of this Territory, on the first Monday in January.

Given under my hand, in Santa Fe, New Mexico, this 2d day of August, A. D. 1851.

JAMES S. CALHOUN.

By the Governor,
WM. S. ALLEN, Secretary.

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